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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,889	03/08/2001	Toshiki Miyasaka	04329.2524	6822
22852	7590	11/04/2004	EXAMINER	
		FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005	LEE, JOHN J	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/800,889	MIYASAKA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	JOHN J LEE	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    |  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
|   | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-4 and 6-16 are have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4 and 6-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US Patent number 6,792,256).

Regarding **claim 1**, Kinney discloses that an electronic apparatus (Fig. 1). Kinney teaches that a holding portion (11 in Fig. 1) which detachably holds a radio communication card (10 in Fig. 1) (column 5, lines 23 – 65 and Fig. 1, 2, where teaches card holding portion that detachably holds a radio communication card). Kinney teaches that a shielding plate (148 in Fig. 19, 20) on which the holding portion (132 in Fig. 19) is provided (Fig. 15, 19, 20 and column 9, lines 11 – column 10, lines 21, where teaches a ground metal shield covering a holding portion and bottom portion of the cap). Kinney teaches that a connecting portion (151, 152 (contact portions) in Fig. 19) for data communication with the radio communication card held by the holding portion (132 in Fig. 19) (Fig. 15, 19, 20 and column 9, lines 11 – column 10, lines 21, where teaches data to be exchanged (radio communication) between radio card and a housing computer device through the holding portion). Kinney teaches that the holding portion (132 in Fig.

19) being arranged to hold the radio communication card (110, 140 in Fig. 15, 19) in a manner the antenna (150 in Fig. 19) is located outside of the holding portion (132 in Fig. 19) and the minimum distance between the antenna and the shield plate is 1 mm **or** more (see Fig. 15, 19, 20 and column 9, lines 11 – column 10, lines 50, where teaches holding portion performs to hold the radio communication card and antenna located outside of holding portion, and there is short distance between the antenna and shield portion (plate)).

Kinney does not exactly disclose the limitation “the minimum distance between the antenna and the shield plate is 1 mm **or** more”. However, this would have been obvious to one having ordinary skill in the art at the time of applicant’s invention because the Kinney teaches there is short distance (at least 1mm or more) between the antenna and shield portion (plate) (see Fig. 19 and column 9, lines 54 – column 10, lines 21) regarding the claimed invention. Doing so would enhance the signal reliability between radio card device and housing device in communication system.

Regarding **claims 2, 7, and 11**, Kinney discloses that a transmitter-receiver portion (radio transceiver portion in Fig. 2A) connected to the connecting portion (20, 22 in Fig. 1), and configured to transmit and receive data through a public data network (Fig. 8, 13 and column 6, lines 58 – column 7, lines 47, where teaches the radio transceiver in radio cars housing is wireless local area network transceiver).

Regarding **claim 3**, Kinney discloses that the holding portion is arranged to hold the radio communication card in a manner such that the minimum distance between the antenna and the metal plate is 2 mm or more (Fig. 15, 19, 20 and column 9, lines 11 –

column 10, lines 50, where teaches holding portion performs to hold the radio communication card, and there is short distance (at least 2 mm or more) between the antenna and shield portion (plate)).

Regarding **claims 4, 8, 12, and 15**, Kinney discloses that the radio communication card includes a PC card (PCMCIA card) (Fig. 1, 2 and column 1, lines 56 – column 2, lines 20).

Regarding **claim 6**, Kinney discloses all the limitation, as discussed in claim 1. Furthermore Kinney further discloses that an apparatus body (10 in Fig. 1) having an installation surface and a first surface opposite to the installation surface (Fig. 1, 2 and column 5, lines 23 – column 6, lines 33, where teaches operating surface (installation surface) opposite to the other surface). Kinney teaches that a holding portion (11 in Fig. 1) provided at the apparatus body (10 in Fig. 1) and configured to detachably hold a radio communication card, which has a second surface (Fig. 1, 2 and column 5, lines 23 – 65, where teaches card holding portion that detachably holds a radio communication card) and an antenna provided on the second surface (Fig. 1, 2 and column 5, lines 23 – 65). Kinney teaches that the holding portion being arranged to hold the radio communication card in a manner such that the first and second surfaces face in the same direction (Fig. 1, 19 and column 5, lines 23 – column 6, lines 33, where teaches two surfaces, which are surface of contact side and opposite side of contact side surface, are same direction as seen in opposite side of arrow in Fig. 1). Kinney teaches that the holding portion includes a preventing portion (11 in Fig. 1, 2), which prevents the radio communication card from

being set in a manner such that the first and second surfaces face in opposite directions (Fig. 1, 2, 4 and column 5, lines 23 – column 6, lines 33).

Regarding **claim 9**, Kinney discloses that a display element (Fig. 8) provided on the first surface of the apparatus body and capable of displaying operating states (Fig. 5, 8 and column 5, lines 23 – column 6, lines 57).

Regarding **claim 10**, Kinney discloses all the limitation, as discussed in claims 1 and 6. Furthermore Kinney further discloses that situated farther from the installation surface of the apparatus body than a center of the apparatus body with respect to a direction perpendicular to the installation surface of the body (Fig. 1, 24 and column 11, lines 27 – 67).

Regarding **claim 13**, Kinney discloses all the limitation, as discussed in claims 1 and 6. Furthermore Kinney further discloses that a cover (Fig. 1) removably fitted to the apparatus body (10 in Fig. 1) and covering at least a portion of the radio communication card (10 in Fig. 1) extending outside the apparatus body (Fig. 1) and the holding portion when the radio communication card is set in position (Fig. 1, 2 and column 5, lines 23 – column 6, lines 57, where teaches a cover removably fitting to the radio card and extending and extracting the radio card from the housing and holding portion hold the radio card).

Regarding **claim 14**, Kinney discloses all the limitation, as discussed in claims 6 and 13.

Regarding **claim 16**, Kinney discloses the claim invention except for the cover is formed of a nonmetallic material capable of transmitting light. It would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify the Kinney, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

4.      Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rossi (US Patent number 5,918,163) discloses Electronic Card Assembly Having a Retractable Antenna.

Fulton et al. (US Patent number 6,259,409) discloses Retractable Sliding Antenna Assembly for Wireless Communication.

Herranen et al. (US Patent number 6,348,893) discloses Antenna Structure of an Expansion Card for an Electronic Device.

Vapaakoski et al. (US Patent number 6,594,506) discloses Antenna Structure in an Expansion Card for an Electronic Device.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

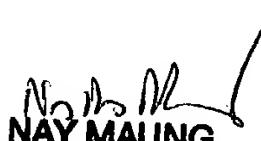
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00

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pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-4700**.

J.L  
October 22, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

John J Lee